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NOTICE OF ALLOWANCE AND FEE(S) DUE

44124 7590 05/13/2010

PATTON BOGGS, LLP
2000 McKinney Avenue, SUITE 1700
DALLAS, TX 75201

EXAMINER

FADOK, MARK A

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 05/13/2010

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

09/425,739

10/22/1999

CHARLES A. PEYSER

026624.0104PTUS

9954

TITLE OF INVENTION: SYSTEMS AND METHODS FOR DISTRIBUTING TELECOMMUNICATION SERVICES VIA A NETWORK

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | NO | \$1510 | \$0 | \$0 | \$1510 | 08/13/2010 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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44124 7590 05/13/2010

PATTON BOGGS, LLP
2000 McKinney Avenue, SUITE 1700
DALLAS, TX 75201

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

| |
|--------------------|
| (Depositor's name) |
| (Signature) |
| (Date) |

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

09/425,739 10/22/1999 CHARLES A. PEYSER 026624.0104PTUS 9954

TITLE OF INVENTION: SYSTEMS AND METHODS FOR DISTRIBUTING TELECOMMUNICATION SERVICES VIA A NETWORK

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE |
|-------------|--------------|---------------|---------------------|----------------------|------------------|----------|
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nonprovisional NO \$1510 \$0 \$0 \$1510 08/13/2010

| EXAMINER | ART UNIT | CLASS-SUBCLASS |
|----------|----------|----------------|
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FADOK, MARK A 3625 705-026000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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| 09/425,739 | 10/22/1999 | CHARLES A. PEYSER | 026624.0104PTUS | 9954 |
| 44124 | 7590 | 05/13/2010 | EXAMINER | |
| PATTON BOGGS, LLP 2000 McKinney Avenue, SUITE 1700 DALLAS, TX 75201 | | | FADOK, MARK A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3625 | |
| DATE MAILED: 05/13/2010 | | | | |

Determination of Patent Term Extension under 35 U.S.C. 154 (b)

(application filed after June 7, 1995 but prior to May 29, 2000)

The Patent Term Extension is 0 day(s). Any patent to issue from the above-identified application will include an indication of the 0 day extension on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

| | | | |
|-------------------------------|------------------------|---------------------|--|
| Notice of Allowability | Application No. | Applicant(s) | |
| | 09/425,739 | PEYSER ET AL. | |
| | Examiner | Art Unit | |
| | MARK FADOK | 3625 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/26/2010.
2. ☒ The allowed claim(s) is/are 1,2 and 4-9.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

/Mark Fadok/
Primary Examiner, Art Unit 3625

DETAILED ACTION

Response to Amendment

The examiner is in receipt of applicant's response to Office Action mailed 7/27/2009 which was received 1/26/2010. Acknowledgement is made to the amendment to claims 1,6,8,9 and the cancellation of claim 3. Applicant's remarks were carefully considered and were found to be persuasive when the following amendment was introduced, therefore the following reasons for allows are provided.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Christopher Adams on 4/26/2010.

Delete claims 1, 8 and 9 and replace with the following:

- 1. (Currently Amended) A system for facilitating the purchase of a plurality of telecommunication services, the system comprising:
- a server in communication with a plurality of buyer terminals and a plurality of seller terminals,

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wherein said server performs a method stored in a storage medium and executed by one or more processors, comprising:

storing in memory information associated with one or more of a plurality of telecommunication service providers, the information being used to determine one or more system generated responses to a request to purchase at least one of the plurality of telecommunication service, each of the one or more system generated responses being associated with at least one of the plurality of telecommunication service providers and each of the one or more system generated responses being further associated with a related cost for the at least one of the plurality of telecommunication service and an indication associated with the seller controlled geographic footprint wherein the at least one of the plurality of telecommunication service is available;

establishing a session over a network for considering the purchase of the at least one of the plurality of telecommunication service;

receiving the request at a computer on the network, wherein the request is received after the information associated with one or more of a plurality of telecommunication service providers is stored;

determining the at least one system generated response in response to the received request based at least upon the indication associated with the seller controlled geographical footprint; and

preventing a requester from accepting the identified system generated response to the received request after the session is terminated.--

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--8. (Currently Amended) A system for provisioning a plurality of telecommunication service, comprising:

a database containing a set of responses for determining system generated responses to purchase requests for the plurality of telecommunication services, each response reflecting at least one of the plurality of telecommunication service offering associated with a telecommunication service provider, a related cost for the telecommunication service offering, and an indication associated with the seller controlled geographic footprint wherein the at least one of the plurality of telecommunication service is available, each response being determined based at least upon the indication associated with the seller controlled geographical footprint;

a computer in communication with a network and the database comprising a set of instructions, stored in a tangible medium and executed by one or more processors, performs a method comprising the steps of:

(i) receiving a purchase request on behalf of a buyer including information indicating a requested telecommunication service for at least one consumer,

(ii) accessing the stored set of responses for determining system generated responses to purchase requests for at least one system generated response reflecting at least one of the plurality of telecommunication service offering capable of satisfying the requested telecommunication service for the at least one consumer,

(iii) receiving an acceptance to the system generated response during the session; and

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(iv) preventing the acceptance to the system generated response after the session is terminated.--

--9. (Currently Amended) A system for purchasing a plurality of telecommunication services during a session, the system comprising:

a server in communication with a plurality of buyer terminals and a plurality of seller terminals,

wherein said server performs a method stored in a storage medium and executed by one or more processors, comprising:

storing a set of responses in memory for determining system generated responses to purchase requests for the plurality of telecommunication services, each system generated response reflecting at least one of the plurality of telecommunication service offering associated with a telecommunication service provider, a related cost for the telecommunication service offering, and an indication associated with the seller controlled geographic footprint wherein the at least one of the plurality of telecommunication service is available, each system generated response being determined based at least upon the indication associated with the seller controlled geographical footprint:

receiving a purchase request at a computer on a network during the session including information indicating a requested telecommunication service;

accessing the stored set of responses to purchase requests during the session for at least one system generated response reflecting at least one of the

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plurality of telecommunication service offering capable of satisfying the requested telecommunication service;

permitting a requestor to accept the at least one system generated response during the session;

preventing the requestor from accepting the at least one system generated response after the session is terminated; and

preventing the telecommunication service provider from modifying the set of system generated responses during the session.--

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance: The instant invention relates to a system for providing a plurality of telecommunication services for the buyer to choose from and after the offer for the telecommunication service is made available to the buyer the offer is no longer available after the session has been terminated; inter alia, storing in memory information associated with one or more of a plurality of telecommunication service providers, the information being used to determine one or more system generated responses to a request to purchase at least one of the plurality of telecommunication service, each of the one or more system generated responses being associated with at least one of the plurality of telecommunication service providers and each of the one or more system generated responses being further associated with a related cost for the at least one of the plurality

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of telecommunication service and an indication associated with the seller controlled geographic footprint wherein the at least one of the plurality of telecommunication service is available; preventing a requester from accepting the identified system generated response to the received request after the session is terminated. The prior art of record does not fairly teach or suggest that there are a plurality of service offering from one service provider. At best the prior art teaches that a single telecommunication service from a plurality of suppliers is made available for selection by a buyer in a spot market.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **571.272.6755**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeffrey Smith** can be reached on **571.272.6763**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

571-273-8300

[Official communications; including

After Final communications labeled

"Box AF"]

For general questions the receptionist can be reached at

571.272.3600

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Mark Fadok/

Mark Fadok

Primary Examiner, Art Unit 3625